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TECHNOLOGY CENTER 2100

In re Application of: Brabec, et al.

Application No. 10/829,181

Filed: April 22, 2004

For: SYSTEM AND METHOD FOR

MESSAGING TO MULTIPLE GATEWAYS

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DECISION ON PETITION TO MAKE

SPECIAL UNDER 37 C.F.R. §1.102(d)

AND M.P.E.P. §708.02(XI)

This is a decision on the petition to make special filed January 11, 2006 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

The petition is **DISMISSED**.

M.P.E.P. §708.02(XI), which sets forth the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism. In accordance with 37 CFR 1.102(c)(2)(iii), no fee is required.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention is generally directed to: a communication method for registering users for receiving messages and transferring each message to corresponding communication gateways; a communication system having a first messaging subsystem which may be coupled to an alert originator and to communication gateway(s); and a communication method which determines a set of destination devices for a message to be transferred to,

dropping any file attachments, calculating the number of pieces in which the message needs to be transferred, generating the message content, transferring an individual mail message for each piece based on the number of destination devices targeted, and minimizing the number of outgoing connections. The specification is directed to systems and methods for transmitting and receiving messages.

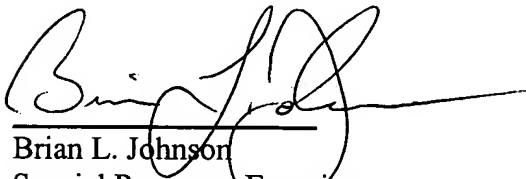
Petitioner does not establish a sufficient nexus between the disclosed and claimed invention and preventing "violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" or activities "that would be a criminal violation if committed within the jurisdiction of the United States or of any State", or preventing acts that appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping.

The mere fact that the instant invention acts to provide fast and reliable dissemination of (emergency) information to (emergency) response personnel does not provide a sufficient nexus to "countering terrorism". As set forth in MPEP §708.02(XI), "The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to countering terrorism". As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition is **DISMISSED**. The application will be returned to the examiner's docket to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.



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